

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re the Application of:

David K. Swanson

Serial No.: 10/727,144

Filed: December 2, 2003

For: CLAMP BASED METHODS AND
APPARATUS FOR FORMING LESIONS IN
TISSUE AND CONFIRMING WHETHER A
THERAPEUTIC LESION HAS BEEN
FORMED

Group Art Unit: 3739

Confirmation No.: 5308

Examiner: ROANE, Aaron F.

INFORMATION DISCLOSURE STATEMENT

Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In accordance with 37 CFR § 1.97 and 1.98, the items identified in this Information Disclosure Statement ("IDS") are brought to the attention of the Office. Copies of US Patents and US Patent Publications are not enclosed, pursuant to the US Patent & Trademark Office amendment to the 37 CFR § 1.98(a)(2)(i) that eliminates the requirement for a copy of each U.S. patent or U.S. patent application publication listed in an IDS in a patent application regardless of the filing date of the application. Copies of other cited references are enclosed.

Applicant would like to bring to the attention of the Examiner that U.S. Patent Application Serial Nos. 10/080,378 (US Patent No. 6,926,712, Docket no. 00-0056-US01); 10/079,944 (US Patent No. 6,932,816, Docket no. 02-0085-US01); 11/131,671 (US Pub No. 2005/021993 A1, Docket no. 02-0085-US02); 11/067,535 (US Pub No. 2006/0195080 A1, Docket no. 04-0220-US01), 10/080,374 (US Pub No. 2003/0158549 A1, Docket no. 02-0086-US01); 10/079,948 (US Pub No. 2003/0158548 A1, Docket no. 02-0088-US01); 10/255,025 (US Pub No. 2004/0059325 A1, Docket no. 02-0298-US01), 10/727,096 (US Pub No. 2005/0119648 A1, Docket no. 03-0242-US01); 10/727,143 (US Pub No. 2005/0119653 A1, Docket no. 03-0312-US01) and 11/031,629 (US Pub No. 2006/0155272 A1, Docket no. 04-0453-US01) each claim subject matter that may be similar to the subject matter claimed in the present application.

CERTIFICATE OF TRANSMISSION

I hereby certify that this paper (along with any referred to as being attached or enclosed) is being transmitted to the Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on the date shown below via the USPTO EFS-Web filing system.

July 24, 2008
Date of Deposit

/raizasingh/
Raiza Singh

The items identified in this IDS may or may not be "material" pursuant to 37 CFR § 1.56. The submission thereof by Applicant is not to be construed as an admission that any such patent, publication or other information referred to therein is material or considered to be material (37 CFR § 1.97(h)), or even qualifies as "prior art" under 35 USC § 102 with respect to this invention unless specifically designated by Applicant as such.

INFORMATION DISCLOSURE STATEMENT FILING PROVISION:

☐ This IDS is believed to be timely in that it is being submitted under 37 CFR § 1.97(b), that is (1) within three months of the filing date of the application, which is not a continued prosecution application filed under § 1.53(d) or (2) within three months of entry of the national stage as set forth in 37 CFR § 1.491; or (3) before the mailing of a first Office action on the merits; or (4) before the mailing of a first Office action after filing a request for continued examination under § 1.114. Thus, no fee is required.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and charge the fee due under 37 CFR § 1.17(p) to the deposit account referenced below.

☐ However, if the undersigned is in error in this regard, Applicant respectfully requests that the Office consider this IDS as filed under 37 CFR § 1.97(c), if applicable, and a statement under 37 CFR § 1.97(e) is included below, thus no fee is required.

☒ This IDS is being submitted under 37 CFR § 1.97(c), that is after mailing of a first Office action on the merits, but before a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311.

☒ The fee due under 37 CFR § 1.17(p) is submitted herewith.

☐ A statement under 37 CFR § 1.97(e) is included below, thus no fee is required. In the event that this IDS is not received before a Final Action or a Notice of Allowance, then Applicant respectfully requests that the Office consider the filing of these papers to be submitted under 37 CFR § 1.97(d) and charge the fee due under 37 CFR § 1.17(p) to the deposit account below.

☐ This IDS is being submitted under 37 CFR § 1.97(d), that is after a Final Action under 37 CFR § 1.113 or a Notice of Allowance under 37 CFR § 1.311, but before payment of the issue fee. A statement under 37 CFR § 1.97(e) is included below. The fee due under 37 CFR § 1.17(p) is submitted herewith.

STATEMENT UNDER 37 CFR § 1.97(e):

☐ Each item contained in this IDS was first cited in any communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this IDS.